



June 18, 2024

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The Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Via ECF & Email

**MEMO ENDORSED**

Re: Boothe v. First Reliance Standard Life Insurance Company  
United States District Court for the Southern District of New York  
Civil Action No. 24-cv-3927  
Defendant's First (and Unopposed) Request to Extend the Briefing Deadline

Dear Judge Failla:

By Order dated February 26, 2025 [ECF24], this Court set the following briefing deadlines:

- March 28, 2025 – Plaintiff's motion for summary judgment
- April 28, 2025 – Defendant's opposition and cross-motion for summary judgment
- May 28, 2025 – Plaintiff's opposition and reply brief
- June 27, 2025 – Defendant's reply brief

The deadline was once extended at Plaintiff's request and without objection of First Reliance Standard [ECF26 – ECF27]. Thereafter, Plaintiff filed her motion for summary judgment on April 11, 2025. [ECF30 – ECF31]. First Reliance Standard timely filed its responsive brief on May 10, 2025. [ECF34].

By Order dated June 3, 2025, the Court granted Plaintiff's unopposed request to file her Local Rule 56.1 Statement of Facts, which was inadvertently omitted when she filed her opening brief. [ECF35 – ECF36]. Plaintiff then filed her statement of facts and reply brief on June 10, 2025. [ECF37]. First Reliance Standard intends to respond to Plaintiff's statement of facts when it files its reply brief, currently due on Saturday, June 21, 2025. [ECF27].

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After Plaintiff filed her final submission on June 10, 2025, the attorney who has been primarily responsible for assisting with this matter resigned from her position with this firm unexpectedly. I have been working to prepare the reply brief and to prepare a response to Plaintiff's statement of facts; however, under these unanticipated circumstances, I find it necessary to request a brief extension of six days (from June 21, 2025 to June 27, 2025) to file Defendant's reply and to respond to the statement of facts submitted by Plaintiff with her last brief.

This is First Reliance Standard's first request to extend the briefing deadlines. I have conferred with Mr. Andrew Davis, Plaintiff's attorney, and he consents to the relief requested. No further briefs (from either party) are contemplated under the current scheduling order, and this request to extend the deadline will not prejudice Plaintiff or further delay any other case deadlines.

Thank you for your consideration of this request.

Respectfully submitted,

Wilson Elser Moskowitz Edelman & Dicker LLP

*/s/ Heather Austin*

Heather Austin, Esquire

cc: Andrew Davis, Esquire (*via* ECF)

Application GRANTED. Defendant shall file its reply and response to Plaintiff's statement of facts on or before **June 27, 2025**.

The Clerk of Court is directed to terminate the pending motion at docket entry 38.

Dated: June 20, 2025  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE